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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/216,457	12/18/1998	JAY H. CONNELLY	2207/6002	9698

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EXAMINER

ARMSTRONG, ANGELA A

ART UNIT PAPER NUMBER

2654

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/216,457

Applicant(s)

CONNELLY, JAY H.

Examiner

Angela A. Armstrong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2002 . .
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-4;8-13;15-16;19;21-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-4;8-13;15-16;19;21-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____ .
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-4, 8-11, 13, 15-16, 21-23, 25-29, and 31-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meunier et al (US Patent No. 6,134,527) in view of Diehl et al (US Patent No. 6,052,666).

3. Regarding claims 3, 8, 13, 15, 21-23, 25-29, 31-38, 40-43, and 47-49, Meunier et al teaches

Application with a plurality of candidate audio commands at col. 3 lines 6-8; col. 6, lines 62-67; Abstract;

Comparing candidate commands with previously registered audio commands to develop an accuracy value at Figures 2 and 4; col. 4, lines 58-67; col. 5, lines 1-12; and col. 6, lines 38-56;

Adding the candidate command if associated accuracy values exceed a predetermined value at Figures 2 and 4; col. 4, lines 58-67; col. 5, lines 1-12; and col. 6, lines 38-56.

Meunier et al do not specifically teach that the system controls two speech-enabled applications. Refer to Diehl et al who teaches controlling multiple device speech enabled applications in a plurality of environments via pre-trained voice commands. Diehl et al describes

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that previous voice control applications allow for control of only one device, but that because most consumers have a plurality of different devices that can be controllable, it would enhance user-friendliness to provide for vocal control of a plurality of devices via one central system (col. 1, lines 14-44).

Therefore, it would have been obvious to modify the system of Meunier et al to allow for voice control of multiple speech enabled applications via one central system, as taught by Diehl et al, for the purpose of enhancing user friendliness, as suggested by Diehl et al.

4. Regarding claims 4, 16, and 39, accuracy value determined using an acoustical pattern matching procedure is taught by Meunier at col. 6, lines 1-9.

5. Regarding claims 9-11 and 44-46, speech-enabled apparatus includes a computer...coupled to a device using a serial connection...parallel connection...wireless connection...device includes computer...telephone, is taught by Meunier at col. 6, lines 62-67.

6. Claims 12, 19, 24, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meunier et al. and Diehl et al in view of Lasar (US Patent No. 4,275,266).

Meunier et al and Diehl et al teach everything claimed as applied to claims 12, 19, 24 and 30 except for the sound command including a tone. However, refer to Lasar who teaches the control of a machine or a device via tones generated by a human user of an instrument. Lasar teaches that the system can be used to create automatic telephone systems for dialing, controls systems for disabled persons and systems, which enable doctors to control life support systems during emergency situations.

Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify the vocabulary testing enrollment system of Meunier to include tones as sound commands as taught by Lasar, for the purpose of ensuring that applications which allow for control of systems via tune commands do not allow tones to be added to the system that are acoustically similar to previously enrolled tones/commands, as taught by Meunier et al.

Response to Arguments

7. Applicant's arguments filed March 19, 2002 have been fully considered but they are not persuasive.

8. Applicant argues that neither Meunier nor Diehl, singularly or in combination render claims 3-4, 8-11, 13, 15-16, 21-23, 25-29 and 31-49 obvious. The Examiner disagrees, and argues that Meunier specifically discloses a method of testing a new vocabulary word being enrolled for acoustic similarity with existing vocabulary words in a speech recognition system (col. 3, lines 3-5), which reads on "comparing at least one candidate sound command to a previously stored sound command in the speech menu". The acoustic similarity is determined by calculating a metric for each model and comparing the metric to a predetermined threshold (col. 4, lines 47 continuing to col. 5, lines 12), which reads on "determine an accuracy value, the distance accuracy module capable of installing the sound commands unless the accuracy value is less than a predetermined value." Meunier discloses that the system can be used on any device employing speech recognition (col. 6, lines 62-67). Diehl discloses a speech based man-machine communication system comprising more than one controllable device (abstract; Figure 2).

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9. Thus, a combination of Meunier and Diehl would specifically allow for “comparing at least one candidate sound command to a previously stored sound command in the speech menu” (as provided by Meunier), “determine an accuracy value, the distance accuracy module capable of installing the sound commands unless the accuracy value is less than a predetermined value”, (as provided by Meunier), for use on any device that employs speech recognition, such that the system would perform the similarity comparisons for enrolling new vocabulary words of more than one controllable device, so as to control more than one device via speech (as provided by Diehl).

10. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Diehl specifically discloses that because most consumers have a plurality of different devices that can be controllable, it would enhance user-friendliness to provide for vocal control of a plurality of devices via one central system (col. 1, lines 14-44).

Conclusion

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

AAA

August 11, 2002

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Richmond Dorvil
Primary Examiner